

### REMARKS

This amendment responds to the Office Action mailed on October 17, 2007. Filed concurrently herewith is a *Request for a Two Month Extension of Time* which extends the shortened statutory period for response to expire on March 17, 2007. Accordingly, applicants respectfully submit that this response is being timed filed.

Claims 1-37 were pending in the present application with claims 1-26 being withdrawn from consideration in response to a previously issued restriction requirement. Claims 27-37 currently stand rejected in the most recent Office Action. By the above amendments, new claim 38 is submitted for examination on its merits. Accordingly, applicants respectfully submit that claims 27-38 are in proper condition for allowance based on the reasons set forth below.

In the pages that follow below, applicants will set forth in detail that the cited prior art fails to teach or suggest:

- 1) generating a compacted motion picture roll of media segments (i.e., a compacted roll of film segments) that dramatically reduces the volume of storage required by motion picture film elements,
- 2) retaining access to the original physical motion picture film elements on the compacted roll, and
- 3) providing an improved ability to locate and access the original physical motion picture film elements on the compacted roll.

#### Summary of Motion Picture Archive Described in Claims

The pending claims to a physical archive of motion picture media elements occupying a reduced physical volume on a film roll. By way of background, during the filing of a motion picture, the volume of film captured (and the corresponding space occupied by such film) is typically not a concern -- rather, during a movie's production, time and money are the scarce commodities. Thus, a film will typically have originated as many as 250 reels of raw film or more, where, after the editing process is complete, the many pieces of raw film are typically stored in

300-700 cans or boxes of film. The motion picture industry currently stores the voluminous number of boxes of film long-term, thereby occupying a great deal of space. Further, these boxes of films are typically stored in a warehouse with little to no indication of what contents are actually inside of the boxes, thereby requiring large amounts of time to search their contents to identify specific movie assets.

The invention embodied in the present claims solves many of these problems encountered by the motion picture industry when providing a new and useful system to store and locate motion picture media segments by winding the media segments onto a wound roll of spliced-together media segments, where the location of each segment in the wound roll is stored in a database allowing each segment to be easily located and retrieved later. The physical volume of space required to store the media segments is thereby reduced while maintaining accessibility to the actual media segments.

#### § 101 Rejections

Applicants note that claims 27-37 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. It is asserted in the Office Action that such claims are drawn to functional descriptive material that is not claimed as residing on a computer readable medium. Applicants respectfully traverse this assertion, and reconsideration is requested based on the following remarks.

Claims 27-37 are not merely directed to functional descriptive material, but are rather directed to a new and useful machine or manufacture in accordance with statutory eligible subject matter defined in 35 U.S.C. § 101. As set forth in the above summary, claims 27-37 are directed to a motion picture archive comprising “a roll formed by winding the plurality of media segments, each segment spliced to another of the segments.” Thus, claims 27-37 are directed to an actual physical roll of motion picture media segments that are spliced together. The examiner’s attention is directed to FIGURE 2 of the present application that clearly illustrates the physical real world application of the roll of motion picture media segments that are spliced together.

Still further, M.P.E.P. § 2106 (IV)(C)(2) recites that a claimed invention is directed to a practical application of a 35 U.S.C. 101 when it “transforms an article or physical object to a

different state or thing or otherwise produces a useful, concrete and tangible result.” In this case, the roll of motion picture media segments that are spliced together as recited in independent claim 27 do transform media segments into a physical object that is a condensed roll of motion picture media segments that are spliced together. Clearly, an archive comprising a roll of motion picture media segments that are spliced together produces a useful, concrete and tangible result. As such, claims 27-37 are directed to patent eligible subject matter as a manufacture in accordance with 35 U.S.C. § 101, and withdrawal of the § 101 rejection is respectfully requested.

#### § 112 Rejections

Applicants note that claim 37 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because it is asserted in the Office Action that the phrase “such that” can be equivalent to the indefinite phrase “such as.” The Office Action cites MPEP §2173.05(d). Applicants respectfully traverse this assertion.

MPEP §2173.05(d) specifies that exemplary claim language (“for example,” “such as”) if stated in the claims, “may” lead to confusion over the intended scope of a claim. To the contrary, the term “such that” is used to further clarify the phrase preceding its use and indicates “that an order is generated to prepare said portion of said roll according to the format” as part of the database’s responsiveness. It is clear that the limitation “that an order is generated to prepare said portion of said roll according to the format” is part of the claimed invention. The term “such that” is not “exemplary” claim language. Claim 37 has been amended above merely to avoid any further confusion with respect to the use of the term “such that” by replacing it with the term “wherein.” These amendments made do not limit or alter the scope of this claim in any manner. Reconsideration is respectfully requested.

#### § 102 & 103 Rejections Based Primarily on *Reber*

The Office Action rejected claims 27-34 and 36-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. US 6,636,869 issued to Reber et al. (hereinafter *Reber*). Claim 35 was rejected under 35 U.S.C. § 103(a) as being obvious over *Reber* in view of U.S. Patent Publication No. US 2001/0014891 to *Hoffert et al*. Applicants respectfully traverses these rejections and reconsideration is requested based on the following remarks.

*Reber Fails to Disclose a Roll of Spliced Together Media Assets*

Independent claim 27 is directed to an archive of a plurality of media segments that are **spliced together and wound to form a roll**. Further, each media segment includes a location within the roll that is stored in a database to associate the media segment with its associated location so that it can be easily located on the roll and accessed. The roll of media segments further reduces the physical storage volume required of the media segments.

Rather than archiving media segments on a wound roll, *Reber* is directed to create a digital archive by “linking or binding a digitized representation of the media” with a specific reference to the media. *See Summary of the Invention, col. 2, lines 45-47. Reber* further describes that:

“Digitized media data from the capture system is transferred and stored on a mass volume storage volume such as a hard disk drive as digitized media files and selectively retrieved under the control of a media storage and retrieval system which is the subject of the present application.” (col. 3, lines 50-55)

Even the cited portion of *Reber* that describes “clips” describes that “clips” can be either video or audio materials that are digitized into a media file. It is then the digitized media file that is referred to when the need arose to actually play the media associated with the clip. *See col. 1, lines 54-58. Reber* further describes the media archival process using such clips involves “capturing” each clip of source material for storage (col. 2, lines 17-20), where “capturing” is performed by the digitizing capturing system shown in Fig. 1. In this manner, *Reber* teaches reading content from a VTR (which may be clips) and digitizing or capturing it. There is no teaching or suggestion in *Reber* that such clips are different physical media segments from a motion picture. There is further no teaching or suggestion of physically splicing a plurality of media segments together and forming a roll by winding the spliced together media segments. Again, the clips of *Reber* are digitized (or captured) as they are read from the VTR, they are not separate pieces of media segments that are spliced together and wound into a roll. Thus, *Reber* fails to teach each and every claim limitation of independent claim 27 and its respective dependent claims.

*Reber Fails to Disclose a Condensed Roll of Spliced Together Media Assets*

Independent claim 27 recites that the physical volume required to store the plurality of media segments is reduced when combined and formed into the would roll. Paragraph [0170] of the present application describes that such rolls have been found to occupy less than half (usually far less) than the traditional storage space required of such media segments when not formed in this manner.

Applicants note that there is no disclosure that *Reber* reduces the physical volume of storage space required to store the physical media assets. Digitizing clips into digitized media files as taught by *Reber* merely creates a digitized copy of the clips that may come from media sources such as VTRs. The physical volume occupied by the original hard copies of those clips on the VTRs remains the same. It is asserted in the Office Action that “it is inherent that if the VTR’s data is digitized and stored on a hard disk drive, then the segments will be reduced and it will maintain or increase the accessibility of the data via computer.” However, in order for it to be “inherent” that the physical volume of the segments will be reduced in *Reber* when the VTR’s data is digitized and stored, it would be necessary for *Reber* to destroy or discard the original content coming from the VTR and only keep the digitized content. In such case, the original content coming from the VTR would no longer be accessible. Furthermore, *Reber* does not disclose that the physical space of the content coming from the VTR is reduced in any manner.

To the contrary, independent claim 27 recites that the **physical volume** required to store the plurality of media segments is reduced when they are combined and formed into the would roll. Independent claim 27 further recites that this reduction in volume is accomplished while maintaining **accessibility to the plurality of media segments**. Again, *Reber* could only reduce the physical volume required to store its clips coming from its VTR if it discarded such clips after digitizing them, in which case it would not be maintaining accessibility to such clips. Providing accessibility to the digitized data stored on the hard disk as suggested in the Office Action is quite different than maintaining accessibility to the plurality of media segments themselves. The motion picture industry needs to access the original film media segments for certain applications

and mere digital copies of such media segments simply would not suffice for those certain applications. This is in part why the motion picture industry stores media segments themselves, and further why the present invention helps reduce their storage needs for these original media segments while providing improved access to such original media segments.

Clearly, *Reber* fails to teach or suggest reducing the physical volume required to store the plurality of media segments while maintaining accessibility to those same plurality of media segments, as recited in independent claim 27 and its respective dependent claims. Thus, each and every limitation of claims 27-37 are not taught by *Reber* or the other cited prior art references, and it is respectfully requested that the cited prior art neither anticipates nor renders such claims obvious. Reconsideration is requested. Applicants further submit that new claim 38 is further allowable over the cited prior art for these same reasons.

**CONCLUSION**

Applicant believes that this case is now in good condition for allowance, and an early Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 092807-011500 is referred to when charging any payments or credits for this case.

Date: March 13, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley D. Blanche', is written over a horizontal line.

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